

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

TOMATRAGAMALIEL MINOR

Debtor

Chapter 13

Case No. 18-12874-KHK

OBJECTION TO CONFIRMATION OF MODIFIED PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Modified Chapter 13 Plan filed February 7, 2019. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(3) and 11 U.S.C. §1325(b)(1)(B) - Good Faith and Disposable Income.

- This is Debtor's fourth case, as follows:

16-10614-KHK Tomatragamaliel Minor

Chapter: 13 Date filed: 02/23/2016 Plan confirmed: 09/16/2016

Debtor dismissed: 02/28/2017

Dismissed on Trustee's Motion to Dismiss for material default

17-12851-BFK Tomatragamaliel Minor

Chapter: 13 Date filed: 08/22/2017

Debtor dismissed: 12/05/2017

Dismissed upon denial of confirmation

18-10206-BFK Tomatragamaliel Minor

Chapter: 7 Date filed: 01/18/2018

Debtor discharged: 07/09/2018

In this case, Debtor lists no unsecured creditors other than student loans that survived his Chapter 7 discharge. Debtor has proposed a 0% Plan with payments of \$1,960.00 per month for 55 months. Trustee had objected to Debtor's prior Plan, which provided for the exact same Plan payment structure, on the grounds that his Schedule I/J budget showed \$3,379.00 of disposable monthly income and it did not seem reasonable for Debtor to retain the additional \$1,419.00/month of disposable monthly income above

Notice of Objection To Confirmation

Tomatragamaliel Minor, Case # 18-12874-KHK

and beyond his Plan payment while paying nothing to his student lenders, who presumably have received no payment during Debtor's three year odyssey through bankruptcy. That Plan was denied confirmation on January 17, 2019. Debtor has attempted to circumvent that outcome by manipulating his amended Schedules I/J so as to "eat up" the surplus disposable monthly income by both decreasing his stated income and increasing certain expenses so as to magically arrive at his desired disposable monthly income number in hopes of justifying his 0% Plan proposal. Debtor has been in bankruptcy for some time, and it is not reasonable nor good faith to place his student loans on a forced five year forbearance when Debtor has disposable income to pay them.

Trustee prays that confirmation be denied without leave to amend.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on March 14, 2019 at 9:30 a.m., in Courtroom III on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

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If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: March 1, 2019

/s/Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of March, 2019, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Tomatragamaliel Minor
Chapter 13 Debtor
2427 Brookmoor Lane
Woodbridge, VA 22191

Robert Sergio Brandt
Attorney for Debtor
1513 King Street
Alexandria, VA 22314

/s/ Thomas P. Gorman
Thomas P. Gorman